

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

David J. Brown (#837806),)	
)	
Petitioner,)	Case No: 14 C 50059
)	
v.)	
)	Judge: Frederick J. Kapala
Gregory Scott,)	
)	
Respondent.)	

ORDER

Petitioner's motion to proceed in forma pauperis [#3] is granted. Respondent is directed to answer the petition or otherwise plead within 30 days of the date of this order. Petitioner shall have 30 days from the date Respondent files his response to reply. Petitioner's motion for appointment of counsel [#5] is denied without prejudice.

STATEMENT

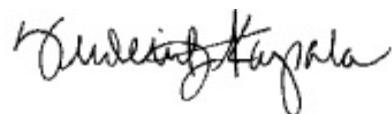
Petitioner, David J. Brown, a civil committee at the Rushville Treatment and Detention Center, brings this petition for habeas corpus relief under 28 U.S.C. § 2254. In 2008, following a stipulated bench trial, the Winnebago County Circuit Court committed Petitioner to the Illinois Department of Human Services pursuant to 725 ILCS 207/1, *et seq.* The state appellate court affirmed the commitment on March 12, 2013. *See In re Commitment of Brown*, 2013 WL 978194 (Ill. App. 2d Dist. 2013). The Illinois Supreme Court denied Petitioner's petition for leave to appeal. *In re Commitment of Brown*, 996 N.E.2d 13 (Ill. Sep 25, 2013). Petitioner's § 2254 petition appears to raise the same claims of ineffective assistance of counsel presented to the state courts.

Petitioner's *in forma pauperis* application indicates that he cannot afford to pay the filing fee. The court thus grants him *in forma pauperis* status for the filing of his petition. Respondent is directed to answer the petition or otherwise respond within 30 days of the date of this order. Petitioner shall have 30 days from the date Respondent files his response to reply.

Petitioner is instructed to file all future papers concerning this action with the Clerk of Court in care of the Prisoner Correspondent. He must send an exact copy of any court filing to the Chief, Criminal Appeals Division, Attorney General's Office, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601. Every document filed by Petitioner must include a certificate of service stating to whom exact copies were sent and the date of mailing. Any paper that is sent directly to the judge or that otherwise fails to comply with these instructions may be disregarded by the court or returned to Petitioner.

Petitioner's motion for the appointment of counsel is denied without prejudice. Although the court may appoint counsel for an evidentiary hearing or at any time during the proceedings if the interests of justice so require, see Rule 8(c) of the Rules Governing Section 2254 Cases, appointment of counsel is not warranted at this stage of this case.

Date: April 21, 2014



Frederick J. Kapala
United States District Judge